

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 14364US24)

In the Application of:

Joseph J. Kubler et al.

U.S. Serial No.: 10/822,447

Filed: April 8, 2004

For: HIERARCHICAL DATA  
COLLECTION NETWORK  
SUPPORTING PACKETIZED VOICE  
COMMUNICATIONS AMONG  
WIRELESS TERMINALS AND  
TELEPHONES

Examiner: HALIYUR, VENKATESH N

Group Art Unit: 2619

Confirmation No.: 2456

Customer No.: 23446

ELECTRONICALLY FILED  
On July 17, 2008

**REQUEST FOR RECONSIDERATION OF INFORMATION DISCLOSURE**  
**STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Page 2 of the final Office Action mailed on January 7, 2008 states that "[t]he information disclosure statement filed on 8/23/07 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a valid date is not provided for citation numbers C23, C25, C26." (Final Office Action of 01/07/08, Page 2, Point 3). Prosecution for Application Serial No. 10,822,447 has since been reopened. Therefore, based on the facts stated above, this paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

Pursuant to MPEP 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by Broadcom in the above-mentioned lawsuit.

The Applicants have also attached with this electronic submission a completed PTO form PTO/SB/08A which has one (1) page. Copies of each printed reference listed in the PTO/SB/08A form were submitted with the information disclosure statement filed on 8/23/2007. Therefore, zero (0) references are attached in this electronic submission.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

No fee is believed to be due because:

- \* The applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: July 17, 2008

/Philip Henry Sheridan/  
Philip Henry Sheridan  
Reg. No. 59,918

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
(T) 312 775 8000  
(F) 312 775 8100